IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8559 of 1999
With
CIVIL APPLICATION NO.15255/1999 & 2713/2001

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GARIYADHAR MUNICIPAL BOROUGH

Versus

STATE OF GUJARAT

Appearance:
MR SHIRISH JOSHI for Petitioner
MR P.D. BHATE, AGP, for Respondent No. 1
MR BIPIN I MEHTA for Respondent No. 2
RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/07/2004

ORAL JUDGEMENT

1. Mr. Bipin Mehta, learned Advocate for the respondent no.2 states that the respondent no.2 is

already working as Chief Officer at Una. He, under the instructions of his client, stated that if the prayer is restricted only to the extent that the respondent no.2 may not be posted at the petitioner Nagarpalika, he has no objection for grant of the prayer. Learned counsel for the petitioner has fairly conceded to this proposal.

2. In view of the above, the learned cousnel for the petitioners submitted that they do not insist for a reasoned order. Accordingly the petition is partly allowed. The impugned order dated 18.10.1999 in so far as it appointed the second respondent as Chief Officer of Gariyadhav Municipal Borough is quashed and set aside. It is directed that the respondent no.1 shall not place respondent no.2 as Chief Officer in the petitioner Nagarpalika. It is clarified that this is not by way of any adverse order to the respondent no.2 and it is at the suggestion of the Court that the respondent no.2 has made the above statement.

3. Rule is made absolute to the aforesaid extent with no order as to costs.

4. Since the main petition is disposed the above civil applications do not survive and are accordingly disposed of.

[K.S. JHAVERI, J.]
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